

**TOWN COUNCIL
REGULAR MEETING
OCTOBER 18, 2000**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:04 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Weiner and Councilmembers Clark, Cox and Paul. Also present were Interim Town Administrator Willi, Town Attorney Kiar, and Acting Town Clerk McDaniel recording the meeting.

3. PRESENTATIONS

3.1 Certificate of Appreciation - Mr. & Mrs. Clemente Neri

Councilmember Clark presented a Certificate of Appreciation for their generous support of the Police Athletic League by providing football scholarships in the amount of \$1,200 for 14 children. Mr. Neri thanked staff for all they had done for the kids and presented the Town with petitions to reinstate Parks and Recreation Supervisor Mark Dornacker to his position.

3.2 Davie/Cooper City Chamber of Commerce

Arlene Broleman, Executive Director, advised residents that upcoming events included: Art, Jazz and Wine Festival (October 26th); Sunshine State Pro Rodeo (November 24th - 25th); and Educational Breakfast (November 15th).

3.3 Community Redevelopment Agency (CRA)

Neal Kalis, Chair, reported that the Redevelopment Administrator position had been offered to Programs Administrator Will Allen, who had accepted with some conditions.

Mr. Kalis indicated that the Davie Road Beautification Project had seen most of the roadwork completed, the addition of lights on the east side, and the development of a request for proposal for ongoing maintenance. He added that Councilmember Cox and the CRA would be meeting with the Florida Department of Transportation and the South Florida Water Management to resolve the Griffin Road and Orange Drive Linear Park landscaping.

Mr. Kalis advised that in the eastside neighborhood, the CRA had worked with staff to provide an open house workshop for residents on how to finance housing and improvements. He stated that the workshop was well attended and very worthwhile to the residents.

Mr. Kalis reported that efforts were being made to explore the relocation of the CRA offices and some Town offices by January.

3.4 Pine Island Park Update

Bruce Bernard, Capital Projects/Public Works Manager, indicated that the site work was 90% complete and the utilities would be completed by November 7th. He advised that the purchase orders had been issued for all the large expenses and the multipurpose facility rebid had come back under budget and completion was scheduled for June 2001.

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3.5 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent

Bonnie Stafiej, Special Projects Coordinator, announced that upcoming events included: dog agility finals (October 21st - 22nd); 5 Star Rodeo (October 27th - 28th); Safe Halloween Trick or Treat Day (October 29th); South Florida Trailriders Red Bandana Ride-a-Thon (October 29th); Royal Lippizzan Stallion Show (November 2nd - 3rd); Lippizzan Dinner Show (November 4th); 4-H Project Stable Horse Show (November 4th - 5th); and Holiday Tree, Menorah and Kinara decorating.

Dennis Andresky, Parks Superintendent, reported that upcoming events included: Evenings of Scenes (October 20th - 21st); adults and seniors Halloween Bash (October 20th); and dedication for Shenandoah Park and roller hockey rink (October 21st).

Mr. Andresky thanked Councilmember Clark for helping create a partnership with the International Ballet Company to provide a free outreach program for underprivileged children, which would begin on October 24th.

3.6 Response to Citizen Comment - Mark Kutney

Development Services Director Mark Kutney reported on the outcome of a meeting with the Buchalters who had addressed Council at the last meeting regarding issues they had in building on their property. Mr. Kutney spoke to the allegations that had been made and indicated that staff denied the blackmail insinuation regarding the right-of-way, staff could find no indication that plans had been lost, and staff had tried to be helpful. He added that the original request was for a typical barn, but the final plan was for one with 12 stalls. Mr. Kutney stated that Mr. Willi had waived the building and fence permit fees, Acting Town Engineer John Doherty had indicated that the Town would pay the cost for the removal of the fence and the Buchalter's project was moving forward.

Councilmember Paul advised that during the meeting, staff kept referring to Section 12-34 which she did not remember had been included in the agricultural ordinance passed by Council. She indicated that the first two drafts did not make reference to the section. Councilmember Paul asked for a report on how Section 12-34 was included in the final ordinance.

Jerry McClinton, 3021 Old Orchard Road, gave a history of the sports program over the last year and how it began originally with very little to offer residents. He spoke about the development of a soccer commission, a soccer program that now had 250 kids, and the certification of coaches. Mr. McClinton advised Council that the leadership for these improvements had come from Mr. Dornacker and he described how angry the coaches and parents were that he had been fired. Mr. McClinton advised that there were many petitions being signed to have Mr. Dornacker reinstated. He asked for a review of the other programs, the field usage problems, and background checks for coaches and employees. Mr. McClinton stated that the coaches had asked parents not to attend tonight's meeting, but asked that the Town resolve the problems that had resulted from this action. He added that officiating fees were the responsibility of the financial staff of the Town, not Mr. Dornacker.

5. RECENT ACTIONS. Mr. Willi stated that change was inevitable, but advised that the only change that was going to be made now was the method of how officials were paid. He addressed parents, saying that the schedule of games would try to be maintained. Mr.

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Willi advised that Mr. Dornacker was terminated according to progressive disciplinary guidelines and that a series of wrong doings indicated a need for his termination. He indicated that the Town had a zero tolerance policy for racially discriminating acts. Mr. Willi advised that changes would be made in some of the administration of Parks and Recreation Department.

DEPARTMENTAL REORGANIZATION. Mr. Willi spoke about the Engineering Department and recent bids for professional engineering services to assist with all the residents' requests which would be brought to Council for review. He discussed the addition of new staff into existing office space and indicated that a draft floor plan had been developed to move some offices to the Chamber of Commerce building.

VACATION PLANS CHANGED. Mr. Willi advised that due to a death in the family, his vacation plans were on hold.

EVALUATION/GOAL SETTING. Mr. Willi requested that Council schedule an evaluation and goal setting session for December in which his past performance and improvements would be discussed. He requested that the Town recognize the importance of long-term plans and the need to decide if this position would remain interim or become permanent.

Councilmember Cox believed that Mr. Willi was unqualified for his position, she had objected to his hiring and disagreed with his hiring and firing practices. She stated that the recent resolution on the police benefits issue should have been done by ordinance as it would result in the spending of Town funds. Councilmember Cox asked Mr. Kiar to review this issue and decide if this should be redone. She spoke about vacation accruals and felt that this issue also should have been done by ordinance as it involved taxpayer's money. Councilmember Cox indicated that previous Assistant Town Administrator Robert Rawls' severance pay was never brought to Council, but had been determined by Mr. Willi and felt that Mr. Rawls was coerced into resigning. She stated that Mr. Dornacker's termination should have specific back-up incidents connected to the various reasons and she could not find that there was an investigation being conducted on the issue of the umpires' fees. Councilmember Cox felt that when someone was terminated, the person should be given an exit interview and the information be given to Council rather than the newspaper, which was a disturbing pattern. She spoke about recent payments to an engineering firm to review plans and indicated that she knew nothing about this until speaking with Mr. Kutney and Budget and Finance Christopher Wallace. Councilmember Cox felt that Mr. Willi tended to act without benefit of Council being apprised of what was going on and she did not get answers to questions, phone calls or e-mails. She expressed concern over the procedure for hiring an Assistant Town Administrator and advised that Kenneth Cohen had refused the position.

Vice-Mayor Weiner suggested that Councilmember Cox had rushed to judgment and asked if she had voted in favor of the police benefits. Councilmember Cox responded in the affirmative. Vice-Mayor Weiner stated that he was also surprised at Mr. Dornacker's termination and thought that through an appeal filed by Mr. Dornacker with the Personnel Board, the reasons would be brought out. He advised that he had asked Mr. Willi about an investigation and why Mr. Wallace, the Police Department, or the Town's accountant had not said anything about how the money was distributed to the umpires or where the records were. Vice-Mayor Weiner advised that documentation was essential for issuing 1099's and felt that Mr. Dornacker was a victim of the established practice. He stated that a request was made of the Engineering Department to find out how backlogged the work was and he found

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that there was much to catch up, making it impossible to keep up the pace without outside help. Vice-Mayor Weiner stated that competitive bidding was not required for professional services and Mr. Rawls had hired the company that was being used, but Vice-Mayor Weiner indicated that he was very glad this was coming back to Council. He stated that he too would like more information on why Mr. Rawls was no longer employed by the Town. With regard to others who were no longer employed, Vice-Mayor Weiner reminded Council that the Town Administrator made these decisions, not Council, and he supported the idea of a review concerning Mr. Willi and his position.

Councilmember Paul stated that she planned to hold her opinion on Mr. Dornacker until she reviewed the documents and expressed concern that Council be informed and provided with reports as the result of an investigation. She advised that this would help Council in giving information to residents when asked. Councilmember Paul felt that, with regard to Mr. Dornacker, Mr. Willi was carrying out a policy that was handed down to him and she was glad changes would be forthcoming. She agreed that it seemed unusual that Mr. Wallace would not have brought this to Council's attention if he felt there was a problem. Councilmember Paul indicated that answers to the parents' questions about the future of the sports program were important to address. She added that it would not be appropriate to lose Parks and Recreation Director Sharon Kent and hoped she would be brought back to her position. Councilmember Paul advised that a code of conduct was just as important for employees as it was for the youth that were sworn to good conduct as participants. She spoke to the idea of rumors and recommended that a complaint database for tracking problems be established. Councilmember Paul suggested that the Town move forward with a request for proposal for a Town Administrator and felt that a national search would be very expensive and not necessary.

Councilmember Clark felt that she was not receiving answers to questions from Mr. Willi. She stated that several parents had expressed great concern about Mr. Dornacker's termination and felt that the level of communication needed to be improved. Councilmember Clark indicated that she felt that Mr. Dornacker was unfairly fired as he was just following orders. She spoke on behalf of Mr. Dornacker whom she felt worked to raise the standard of coaching and advised that she had asked Mr. Willi to rehire Mr. Dornacker. Councilmember Clark supported Mr. Willi's idea to discuss the position and his performance and restated the need for better communication.

Mayor Venis asked Mr. Willi to prepare a chronology of events for Council's review regarding the progressive discipline on Mr. Dornacker.

Councilmember Cox spoke about Councilmember Paul's comment about a national search and stated that the contract with Mercer included another national search at no charge if the person was terminated within one year. She added that with the current situation, it would be difficult to find someone.

Mayor Venis announced that items 9.6 and 9.7 needed to be tabled to November 15, 2000.

Councilmember Cox made a motion, seconded by Councilmember Clark, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis announced that item 9.8 needed to be tabled to November 1, 2000.

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Councilmember Clark made a motion, seconded by Vice-Mayor Weiner, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis advised that item 9.9 was withdrawn because of the denial on first reading.

4. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR VENIS

MEMORIALSERVICE. Mayor Venis thanked those who had participated in the memorial service for Fire Lieutenant Russ Kramer's daughter.

WASTE MANAGEMENT. Mayor Venis advised that the Park City West Homeowner's Association had brought up the garbage franchise and asked Mr. Willi if there was anything that the Town could do regarding "that" issue. Mr. Willi stated that there was no annexation agreement where certain issues were detailed, however, the annexation did not indicate that the residents would pay the same rate as the Town's residents. Waste Management had indicated that it had charged a lesser fee over the years and were now making an adjustment, which resulted in more than a 100% increase. Mayor Venis advised that most of the residents in this area lived on a fixed income and the previous garbage hauler was purchased by Waste Management. He asked if Waste Management could be brought to the table on this.

CAPITAL PROJECT FIVE-YEAR BUDGET. Mayor Venis asked for a timeline on when the capital project's budget would be adopted. Mr. Willi asked for input from Council as to the timing of any of the projects and whether or not any should be added or deleted from the list. Mayor Venis indicated that over \$3 million was committed and the various communities were anxious to see these projects begin. He asked for adoption at the second meeting in November.

TRANSIT SYSTEM. Mayor Venis asked for an update on the transit system. Mr. Allen indicated that there was a notice to proceed and a request for proposal would be done for operation and maintenance of two buses. It was hoped that the system would be running in 30 days.

REZONING OF PARTIAL LAND IN IVANHOE. Mayor Venis indicated that after a meeting with the developer, the leaders of the various homeowners' associations came away with many unanswered questions. He called for a meeting to clear this up.

COUNCILMEMBER CLARK

CAR SHOW. Councilmember Clark reported that there would be a car show at the Tower Shops on October 27th with proceeds benefiting the Police Athletic League.

DRAG RACING ON 82ND AVENUE/FLOODING. Councilmember Clark advised that she had received a call from Karen Flynn indicating that there were serious drag racing incidents on her street. Ms. Flynn also had concerns about her land being flooded due to the nearby development of Madison Lake. Mr. Willi indicated that Ms. Flynn's only question to him was whether or not her land would be taken as a result of wetland mitigation and Ms. Flynn had been advised that it would not.

SUMMERLAKEPROJECT. Councilmember Clark indicated that the lake was very high and asked that Mr. Kutney let her know when the fill would be delivered as the building was going up quickly.

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WAREHOUSE AREA. Councilmember Clark asked about a warehouse in east Davie that used to be called Mac's Auto and she had heard that manufacturing of paint was going to be done by the new owners. She asked for a report on whether or not this was allowed. Mayor Venis indicated research was being done on that issue.

R-1E ZONING. Councilmember Clark made a motion, seconded by Vice-Mayor Weiner, to reconsider the R-1E zoning ordinance that was brought up at last meeting. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - no; Councilmember Paul - no. (Motion carried 3-2)

COUNCILMEMBER COX

MEMORIAL SERVICE. Councilmember Cox apologized for not being able to attend the memorial service.

RIDE-A-THON. Councilmember Cox asked that everyone come out for this event which would allow residents to visit the new park and see all the open space areas. She advised that the event would benefit the Boys and Girls Club.

MEETING. Councilmember Cox talked about upcoming meetings with the Department of Transportation and stated that the landscaping plan would be from 441 to Weston Boulevard. She added that the linear parks would also be addressed.

VACATION. Councilmember Cox apologized for not being able to keep in touch and respond to e-mails during her vacation due to the weather.

VICE-MAYOR WEINER

DRAINAGE ISSUE. Vice-Mayor Weiner advised that the engineering study would be delayed as a draft would be given to a technical committee. He was concerned that this issue was not moving more quickly.

Vice-Mayor Weiner indicated that a number of residents had been calling to express concern about the accumulation of water now as opposed to a few years ago. He felt that the Engineering Department may not have been doing their job to make sure that the construction of new homes were not causing these problem areas.

SUNRISE WATER. Vice-Mayor Weiner asked for a report at the next meeting. Mr. Willi indicated that documents had been received and there was a two-week time frame for the next meeting.

USS COLE TRAGEDY. Vice-Mayor Weiner asked for a moment of silence in recognition and memory of these sailors.

HALLOWEEN. Vice-Mayor Weiner recommended that parents go with children and make sure they were safe.

SPORTS PROGRAM. Vice-Mayor Weiner advised that a meeting had been scheduled for October 25th to determine what to do to help the program move forward. He advised that he would report back to Council.

PARKS AND RECREATION BOARD. Vice-Mayor Weiner agreed with those on the Board who expressed frustration that its hands were tied. He suggested that Council give direction to the Board as well as the authority to explore what could be done to improve the program.

COUNCILMEMBER PAUL

CITRUS CANKER. Councilmember Paul indicated that a meeting was scheduled for October 19th in the Community Room to discuss the eradication program. One concern was how the

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distance between trees was measured and she asked Mr. Kiar to contact the City of South Miami Mayor about steps it had taken regarding a restraining order to halt the eradication until questions were answered. Councilmember Paul advised that she would be questioning the funding to be paid and the different types of compensation if a tree was cut down.

ROCKY JOHNSON ALLEGATIONS. Councilmember Paul stated that she was very distraught about these allegations and suggested that this matter needed to come to a close as soon as possible. Police Chief John George stated that the timeline on wrapping this up was another week or so.

R-1 RECONSIDERATION. Councilmember Paul felt that it was important to understand how this zoning could impact the community.

5. TOWN ADMINISTRATOR'S COMMENTS

This item was discussed earlier in the meeting.

6. TOWN ATTORNEY'S COMMENTS

FIRE CODE OFFICIAL. Mr. Kiar advised that he had contacted the Board of Rules and Appeals who indicated that the Fire Chief may designate someone to act as Fire Marshal or the Chief could serve in that role himself. Mr. Kiar indicated that this was a policy decision that could be made by the Town.

KUEGLER. Mr. Kiar advised that depositions were set for October 31st and plans were to go to trial in January.

POWERS/SESSA. Mr. Kiar reported that \$23,000 was received from Mr. Powers and those properties would be submitted for mitigation after Council's approval.

CUMMINGS. Mr. Kiar thanked staff for their input on the interrogations.

7. CONSENT AGENDA

Minutes

- 7.1 August 2, 2000 - Regular Meeting
- 7.2 August 28, 2000 - Workshop Meeting
- 7.3 September 11, 2000 - Special Meeting

Proclamations

- 7.4 United Nations Day (October 24, 2000)
- 7.5 National Epilepsy Awareness Month (November)

Occupational Licenses (Home)

- 7.6 Bartosch Property Management, 6069 SW 54 Court
- 7.7 Crawford Consulting Group, Inc., 13301 SW 30 Court
- 7.8 juliecialini.com, 4032 East Ridgeview Drive
- 7.9 Omega Group USA, 11965 SW 15 Court

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Resolutions

- 7.10 **GRANT APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2000-246 FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND
APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR FUNDING FOR
THE 2001/2002 CULTURAL - YOUNG AT ART PROGRAM ADMINISTERED
BY THE BROWARD CULTURAL AFFAIRS COUNCIL, COMMUNITY ARTS
& EDUCATION PROGRAM IN THE AMOUNT OF \$40,000.00. (Town to be
reimbursed \$20,000)
- 7.11 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING
R-2000-247 FORMAL BIDDING AND ACCEPTING THE BID FOR ONE TYPE 1-RESCUE
UNIT, (2000, FORD, F-350) FROM WHEELED COACH INDUSTRIES, INC.
(Wheeled Coach; \$81,778)
- 7.12 **CLASS SPECIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2000-248 FLORIDA, CHANGING THE SPECIAL PROJECTS DIVISION TO THE SPECIAL
PROJECTS DEPARTMENT AND REVISING THE CLASS SPECIFICATION OF
EVENTS SPECIALIST IN THE NON-REPRESENTED PAY CLASSIFICATION
PLAN TO INDICATE THE CHANGE
- 7.13 **CLASS SPECIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2000-248 FLORIDA, CREATING THE CLASS SPECIFICATION FOR THE POSITION OF
TOWN ENGINEER AND RECLASSIFYING THE POSITIONS OF
ADMINISTRATIVE AIDE AND SPECIAL EVENT COORDINATOR IN THE
NON-REPRESENTED PAYING CLASSIFICATION PLAN

Site Plan

- 7.14 SP 4-2-00, Armadillo Square, 4614 SW 64 Avenue (Griffin Road Corridor)
*Planning and Zoning Division recommended denial; Site Plan Committee
recommended denial*

Site Plan Modification

- 7.15 SP 5-6-00, Home Depot/Tower Shops, 2300 South University Drive (B-3)
*Planning and Zoning Division recommended approval; Site Plan Committee
recommended approval based on staff's recommendations specifically making
a point that there be no outside storage for equipment; to restrict outdoor
displays on the sidewalk to ease up the congestion for traffic; and that this was
being approved based on the contingent that the architect rework the
handicapped space placement allocation so that all handicapped spaces are
limited to the two central islands so that all handicapped persons are able to
access the ingress from the parking area to the front of the building without
having to go behind cars or meander their way through the parking lot.*

Councilmember Paul asked that items 7.8, 7.11, 7.12, 7.14 and 7.15 be removed from the
Consent Agenda. Councilmember Clark asked that item 7.13 be removed.

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Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve the Consent Agenda without items 7.8, 7.11, 7.12, 7.13, 7.14, and 7.15. In a voice vote, all voted in favor. (Motion carried 5-0)

7.8 Councilmember Paul asked Mr. Kiar to report on what was appropriate for the Town to be approving in regard to this and asked that this item be tabled until November 1st. Vice-Mayor Weiner recommended that this item not be tabled and indicated that this website was listed under memorabilia but the owner was a former Playmate of the Year. He cautioned parents to watch what kids were doing while they were on the web. Vice-Mayor Weiner suggested to Mr. Kiar that this was content-based decision-making.

Councilmember Paul made a motion, seconded by Councilmember Clark, to table until November 1, 2000. In a voice vote, all voted in favor. (Motion carried 5-0)

7.11 Mr. Willi indicated that the motion was unclear about how many rescue units staff was asked to purchase. He advised that one unit had been purchased and staff was waiting on approval for the second unit. Vice-Mayor Weiner indicated that his motion should have stated the need for a second unit. Mayor Venis added that the intent of the motion was to see if funds were available for two units.

Councilmember Cox reported that this was not in the budget and she objected to purchasing the unit without a bid.

Mr. Wallace advised that this was not a budgeted item and after being asked, he had reported that money was not available in the budget for a second unit. The second unit was ordered but there was no purchase order or resolution to purchase the unit. Mr. Wallace indicated that a resolution to purchase and waive the bid would have to be done to purchase the unit.

Vice-Mayor Weiner asked Mr. Willi if he had advised that the money was available in last year's budget for vehicle replacement. Mr. Willi responded in the affirmative. Councilmember Cox indicated that money could not be carried over, the unit was not in the budget, the truck had been delivered and Council was now being asked to approve it after the fact.

Mayor Venis asked if this purchase would have a negative impact on the budget. Mr. Wallace indicated that money would have to be appropriated which would require an ordinance as it amended the budget. He added that the more expedient procedure would be to take it out of contingency funds.

Vice-Mayor Weiner indicated that the money was available last year and it was decided last year to purchase the second truck. Councilmember Cox stated that her objection was with the method used to purchase the truck.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to appropriate \$81,778 from contingency and that at a future meeting, Council look at appropriating money to replenish the contingency, to purchase the unit and to waive formal bidding to clarify the lack of apparent clarity in the motion from July 5th. In a voice vote, all voted in favor with Councilmember Cox dissenting. (Motion carried 4-1)

Councilmember Paul suggested that there needed to be a better procedure to handle a purchase such as this. Mr. Wallace indicated that Council authorized purchases over \$10,000.

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Vice-Mayor Weiner asked for information on what remained in the budget for each department. Mr. Wallace said he could provide a report by the end of November.

7.12 Councilmember Paul stated that there should be a background check on anyone who was going to come into contact with children. Acting Human Resources Director Freda Gellerstein reported that any position that dealt with children went through a background check with HRS and FDLE check was completed on all new employees.

Councilmember Paul made a motion, seconded by Councilmember Cox, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

7.13 Due to previous discussions, Councilmember Clark recommended that this item be tabled until Mr. Kiar returned with an opinion. Mr. Willi indicated that \$80,000 had been budgeted for adjustments in pay grades.

Councilmember Clark made a motion, seconded by Vice-Mayor Weiner, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

7.14 Councilmember Paul indicated that there was a letter from the CRA recommending denial, so she was also recommending that Council deny the site plan.

Bill Laystrom, representing the petitioner, explained that the intended project met the criteria of the site plan and the intent of the Griffin Road Corridor ordinance. He explained the plan and staff requests, indicating the problems with entering and exiting the property from seven and nine lane roads. Mr. Laystrom explained a concern that the businesses would need to face the road and have adequate parking. He added that additional landscaping would be provided, the architecture offered what the ordinance required, and a sidewalk easement would be possible.

Vice-Mayor Weiner asked about a comment that this project would never be a perfect tenant and asked if other businesses would not be able to match what was required. Mr. Laystrom offered various scenarios for uses of the property, indicating the parking problems and the need for retailers to face the road for exposure.

Planning and Zoning Manager Jeff Katims stated that the Griffin Road Corridor had been crafted to promote development and as an entrance to the downtown, staff felt that this was an important site. He added that this site plan was also critical as it was the first plan to come for approval. Mr. Katims spoke about the specific standards of the ordinance and stated that the intent language was a strong part of this ordinance, which did provide for flexibility. He read from the Code indicating that Council would ultimately decide whether a plan was consistent with the intent of the Code. One of the keys was to determine if this met the intent to create a showcase corridor. Mr. Katims explained why he felt that the photo was misleading as the building must be refaced and brought up to the street. He referred Council to other Walgreens sites and described their standard design, which did not meet the Town's guidelines for the intent of this site or this ordinance. Mr. Katims stated that this ordinance required innovation and may not work for Walgreens. He advised that this site would set the tone for every subsequent plan and added that a key to this ordinance was a provision for a second floor. He stated that the CRA was in charge of redevelopment and had voted 5-0 to deny this plan.

Councilmember Clark asked if there would be adequate parking for two stories and was advised that this would depend on the use of the building. Mr. Katims reported that

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Walgreens was based on a formula and this site required flexibility by thinking outside the box. If the architects and staff could agree, then staff would not recommend denial.

Mayor Venis asked Mr. Laystrom for his opinion of the proposed rendering. Mr. Laystrom indicated that it seemed that retail business would not be able to meet the Code requirements and the site seemed more appropriate for office space. Mr. Katims explained various provisions possible to accommodate retail needs and a drive thru was discussed.

Mayor Venis asked if anyone wished to speak on this item.

Tom Truex, 4740 SW 72 Avenue, agreed with staff that this site plan did not meet the intent, and disagreed that there was a hardship as a result of the widening of Griffin Road. He stated that the property owners were compensated for land used and questioned how much the land was worth.

Mr. Kalis advised that the CRA's mission was redevelopment and development of this site was important. He reminded Council that recent developments had complied with similar Codes and read the reasons for CRA's vote to deny. He advised that Walgreens had complied with special requirements in Chicago. Mr. Kalis indicated that the building needed to be out to the corner, and if the corner needed to be filled, they would be compensated. He added that parking was really being proposed rather than a frontage road. He stated that the current condition of the building was self-imposed.

Marie Porta, 4657 SW 70 Terrace, agreed that this was an important site and advised that the "old" Florida look was what was intended. She stated that the first project should conform.

Scott Morecroft, 4650 SW 70 Terrace, spoke to the idea that the building must be two stories and agreed with denial.

Joe Cosner, 4451 SW 77 Avenue, spoke against the plan and indicated that it seemed that Walgreens was not willing to provide a different building even though it had for other areas. As it stood, approval would compromise the intent of the site. He added that according to what was planned, eventually the development would come.

Patti Bartels, 4850 SW 63 Terrace, expressed concern about the affects of the road widening and felt that this project would create a hardship for residents as the parking would be located in what she considered her front yard.

Amber Welker, 4850 SW 63 Terrace, felt that it would be nice to have a Walgreens at that location.

Joe Luongo, 4850 SW 63 Terrace, spoke in favor as it would accommodate the needs of the elderly people who did not drive.

Amy Luongo, 4850 SW 63 Terrace, advised that many local residents would like to have a Walgreens close, as they did not drive.

Mary Simons, 4791 SW 82 Avenue, indicated that she would like to have a Walgreens at this location.

Mayor Venis closed the item to public comment.

Mr. Laystrom gave a history of the project stating that the original plan in January 1999, asked for a variance to reduce the landscaped area by one third. He described the design that was originally approved showing the building located in the back and advised that Walgreens had moved forward on this plan. Mr. Laystrom reminded Council that the real issue was retail developers versus an ordinance that wanted retailers to face the reverse direction. He agreed that his client was looking for "old" Florida and guaranteed that the architecture would be changed to create this look. Mr. Laystrom spoke about the potential

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problems with the roadway and parking if the building was moved to the road and indicated that there were no incentives in place. He declared that the intent of the plan had been met and explained that retail would not work on this site with the present parking restrictions, which was part of Code.

Mr. Kalis stated that the owner had asked for a variance to maintain the existing shopping area. He advised that the CRA supported the cure plan, and this was not presented as a plan to demolish Armadillo. Mr. Kalis added that the facade would be necessary on all sides and the appearance to local residents was important.

Vice-Mayor Weiner spoke about the innovation necessary for this site and referred to the Walgreens in Coral Gables where there was parking under the building. He added that the opportunity to build something consistent with the Griffin Road Corridor in the future was of concern to staff. Mr. Laystrom said he would look at the idea of raising the building and report back at the first meeting in November.

Councilmember Cox stated that the layout of the site was what was important, not the use, and agreed with Mr. Kalis.

Councilmember Clark stated that the front drive and parallel parking would not allow for the building to be brought to the curb and the ordinance did not indicate this. Mr. Katims agreed and explained the frontage drive and a build-to line of 50 feet.

Councilmember Cox explained that the need for the frontage road had to do with traffic flow not the outcome of this corner. Vice-Mayor Weiner added that a service road would recapture some of the green along that area.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to table until November 1, 2000. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 5-0)

The meeting recessed at 11:07 p.m and reconvened at 11:10 p.m.

7.15 Councilmember Paul expressed concern on behalf of residents in the area who were concerned about the traffic flow. She felt the addition would create an additional serious traffic problem.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve subject to site plan committee's recommendations. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - no. (Motion carried 4-1)

8. PUBLIC COMMENTS

Ordinance - First Reading (Public Hearing to be held November 1, 2000)

8.1 AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, REVISING THE TOWN OF DAVIE'S PERSONNEL RULES AND REGULATIONS BY AMENDING RULE I, SECTION 10, ENTITLED "POLICY OF EQUAL EMPLOYMENT OPPORTUNITY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Venis advised that a public hearing would be held on November 1, 2000. Acting Town Clerk McDaniel read the ordinance by title.

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Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments were closed.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 5-0)

9. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinance - Second and Final Reading

2000-34 9.1 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, LAND DEVELOPMENT CODE, ARTICLE X BY ADDING "TEMPORARY USE PERMIT PROCEDURE," SECTION 12-316 ENTITLED "PURPOSE", ADDING SECTION 12-317 "PERMITTED TEMPORARY USES IN CONNECTION WITH DEVELOPMENT PROJECTS", ADDING SECTION 12-318 "OTHER TEMPORARY USES REQUIRING A PERMIT", ADDING SECTION 12-319 "PROCEDURES IN SECURING TEMPORARY USE PERMIT"; AMENDING SECTION 12-503 TO PROVIDE A DEFINITION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Acting Town Clerk McDaniel read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 5-0)

Vacations/Abandonments

9.2 VA 8-1-00, Florida Power & Light, a portion of Davie Road Extension, between Stirling Road and NW 38 Street, extending north from Davie Road Extension approximately 81 feet (to vacate a portion of right-of-way abutting Davie Road Extension, approximately 81 feet in length) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Mr. Kutney summarized the planning report.

Mayor Venis asked if anyone wished to speak for or against the petition. As no one spoke, the public hearing was closed.

Councilmember Clark made a motion, seconded by Vice-Mayor Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 5-0)

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- 9.3 VA 8-2-00, Pillar Consultants/Dixie Southland Corp., a portion of Oakes Road, between State Road 7 and SW 46 Avenue, extending from State Road 7 approximately 183 feet west (to vacate a portion of right-of-way known as Oakes Road, approximately 183 feet in length) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Mr. Kutney summarized the planning report.

Councilmember Cox asked if there was a conflict as Pillar provided services for the Town. Mr. Kiar indicated that he would need to review this issue and questioned if Pillar was on a Town's retainer. Mr. Willi advised that Mr. Rawls had taken a conflict statement and their scope of services was limited to plan review and inspections. Mr. Willi added that the statement provided that Pillar would not do any plan reviews or inspections on projects that it submitted to the Town. Mr. Kiar reiterated that he would need to review the statement to make certain there was not a conflict.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to table until November 1, 2000. In a voice vote, all voted in favor. (Motion carried 5-0)

- 9.4 VA 8-3-00, Case, 15700 Pointe West Drive (to vacate a portion of right-of-way known as Pointe West Drive, approximately 593.60 feet in length; to vacate a portion of utility easement, approximately 933.87 feet in length; to vacate a portion of utility easement, approximately 779.99 feet in length; and to vacate an 8 foot lake bank easement together with a 20 foot lake maintenance easement, approximately 1.037 acres in area) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Mr. Kutney summarized the planning report.

Mr. Laystrom, representing the petitioner, described that a lake would be dug, and fill would not be trucked in. Councilmember Cox indicated that she had met with Mr. Laystrom, Mr. Case and with staff members to discuss the project. She asked if there would be any blasting involved if the lake was to be redug. Mr. Laystrom confirmed that there would no blasting.

Councilmember Paul asked why the petitioner was filling a larger lake than they were digging. Mr. Laystrom explained that the master plan showed a site less intense in development, so the lakes did not need to be the same size. He stated that there would be a lot of landscaping around the lake.

Mayor Venis asked if anyone wished to speak for or against the petition. As no one spoke, the public hearing was closed.

Councilmember Cox made a motion, seconded by Vice-Mayor Weiner, to approve items 9.4 and 9.5. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 5-0)

Quasi Judicial Item

- 9.5 **SPECIAL PERMIT** - SE 9-1-00, Laystrom/Case, 15700 Pointe West Drive (BP) (to fill a lake with 67,000 cubic yards of material obtained off-premises) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval subject to the planning report*

This item was approved with item 9.4.

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Items to be tabled or withdrawn

**9.6 PLANNING AND ZONING TABLED TO NOVEMBER 8, 2000:
COUNCIL CAN TABLE TO NOVEMBER 15, 2000**

VACATION/ABANDONMENT - VA 6-1-00, Town of Davie, a portion of NW 33 Street, between Davie Road Extension and NW 75 Avenue, extending from Davie Road Extension approximately 310 feet west (tabled from September 6, 2000)

This item was tabled earlier in the meeting.

**9.7 PLANNING AND ZONING TABLED TO NOVEMBER 8, 2000:
COUNCIL CAN TABLE TO NOVEMBER 15, 2000**

VARIANCE - V 5-4-00, Lombardo/Ross-Matz Investments, 8020 SW 30 Street (B-2) (tabled from September 20, 2000)

This item was tabled earlier in the meeting.

**9.8 PLANNING AND ZONING TABLED TO OCTOBER 25, 2000:
COUNCIL CAN TABLE TO NOVEMBER 1, 2000**

MASTER SITE PLAN - MSP 8-1-00, Ivanhoe Planned Unit Development (PUD)

This item was tabled earlier in the meeting.

9.9 DENIED ON FIRST READING

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING CODE AMENDMENT APPLICATION ZB(TXT)06-01-00, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, ARTICLE III, BY ADDING SECTIONS 12-32.400 THROUGH 12-32.499 TO CREATE THE R-1E PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR DISTRICT INTENT, MASTER PLANS, DISTRICT APPLICABILITY LIMITATIONS, DEVELOPMENT AREA LIMITATIONS, PERMITTED AND CONDITIONAL USES, PROPERTY DEVELOPMENT REGULATIONS, AND EQUESTRIAN PROVISIONS; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

No action was taken on this item due to the denial on first reading.

10. OLD BUSINESS

10.1 Requirement of Special Permit for the Keeping of Wild Animals

Mr. Kutney explained that this issue was a result of a fence variance that had been requested for the purpose of keeping a wild animal. He advised that the Planning and Zoning Board felt that this should require a special permit and asked for direction from Council.

Councilmember Cox felt that if a wild animal was being kept on the premises, the neighbors should be apprised of what the resident was keeping. Councilmember Paul asked about the permits that had already been issued. Vice-Mayor Weiner indicated that this would be a curiosity factor for neighborhood children and a special permit would be helpful. Mayor Venis gave Council's agreement to move forward on this.

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11. NEW BUSINESS

11.1 Zoning in Progress - West of Nob Hill Road (Councilmember Paul)

Councilmember Paul suggested that the Town prepare its own master plan and, looking at zoning in progress, she felt that something similar to the Griffin Road corridor would be appropriate. She felt that a vision should be developed for what Council wanted the Town to look like and a master plan should include land for schools, impact fees for school construction, landscaping, and adequate drainage. Councilmember Paul did not think that this should be left to the developers and indicated that there was a concern for overdevelopment.

Vice-Mayor Weiner agreed with the idea but suggested that the boundary be changed to west of Hiatus Road, as he was not convinced that the residents along Hiatus Road were in favor of R-1E. He felt it was appropriate along Nob Hill and also west of Hiatus Road. Councilmember Paul stated that there were many parcels east of Nob Hill that fit into the one unit per acre. Councilmember Clark she wanted to make sure the areas out west could be protected and she thought it would be great to provide another tool and more protection for the Town.

Councilmember Cox pointed out that if Councilmember Paul's suggestion for a zoning in progress was adopted, this would stop GL Homes' progress. Mr. Katims stated that with plat approval and site plan approval, they could go forward. Councilmember Paul indicated her preference to go further east, as a master plan would require a look at crowded schools and drainage issues. She asked if the piece west of Hiatus would be eliminated because there was already a plat in place. Mr. Katims indicated that the area being questioned was not a recorded plat. Councilmember Paul felt that Nob Hill and some areas along Orange Drive were viable boundary lines.

Councilmember Paul made a motion, seconded by Councilmember Cox, that the Town do a zoning in progress west of Nob Hill. In a roll call vote, the vote was as follows: Mayor Venis - no; Vice-Mayor Weiner - no; Councilmember Clark - no; Councilmember Cox - yes; Councilmember Paul - yes. (Motion denied 3-2)

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to do a zoning in progress west of Hiatus Road. Mr. Kutney requested more specifics in the motion. After discussion, the motion was withdrawn and Vice-Mayor Weiner asked for a proposal at the next meeting.

11.2 Wildlife Ordinance (Councilmember Paul)

Councilmember Paul referred to Cooper City ordinance on wildlife protection and stated that Mr. Kiar had made some changes to create wildlife protection for the Town. She added that it was important to consider this with the remaining parcels in the Town. It was decided that this item would be revisited at the next meeting.

11.3 Town Council Spending Account Policy

Vice-Mayor Weiner indicated that a \$3,000 or \$5,000 account for spending per Councilmember had been discussed, but no parameters were established for how it was to be used. He suggested that this money be spent for projects, with the option to borrow from other councilmembers' accounts, or fees could be waived with the use of this account.

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Councilmember Paul stated that as an example, the Safety Summit supplies could have been purchased with an account like this. She felt that personnel overtime for this event would be a viable expense, as this was a service to the community.

Mr. Willi agreed to prepare guidelines to bring back to Council.

12. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 11:56 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk